

# **Wetland Deviations – Report on Meeting with Environmental Groups**

**City of San Diego  
Land Use and Housing  
Committee  
February 8, 2012**



# Introduction

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- **ESL adopted to assure protection of resources consistent with conservation principles and private property rights**
- **Impacts to resources allowed only through a Site Development Permit (SDP) consistent with findings as specified in LDC Section 126.0504 (a) (b) (c)**



# Findings

**Overall, project must be designed to avoid wetland impacts to the maximum extent practicable; the findings to allow for a deviation from the regulations are:**

- No feasible measures to further minimize potential adverse impacts on ESL**
- Proposal is minimum necessary to afford relief from special circumstances**



# **Existing LDC**

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**Currently limited guidance regarding:**

- **Evaluation of impacts**
- **Under what circumstances deviations should be considered and approved**





# **Draft Amendment Language**

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## **Section 143.0110 and 143.0101 - Development regulations for Sensitive Biological Resources**

- **Minor revisions for clarification and rearrangement of existing language**

## **Section 143.0150 – Deviations from Environmentally Sensitive Lands Regulations**

- **Establishes the only three categories for which deviations from wetland regulations may be requested**



# **Draft Amendment Language**

- **Does not establish any type of exemption.**
- **Applicants must still process a permit to apply for the deviation**
  - **Provide analysis**
  - **Environmental review**
  - **Public comment**
  - **Findings**
  - **Public hearing at Planning Commission**



# **Deviation Categories - EPP**

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## **Essential Public Projects (EPP) –**

- **Projects identified in an adopted land use plan and identified on the Essential Public Projects List adopted by CC resolution**
- **Linear Infrastructure**
- **Maintenance of public infrastructure**
- **State and federally mandated projects**



# **Economic Viability**

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- **Deviation may be requested to preserve an economically viable use only for circumstances not of the applicant's making**
- **Minimum necessary to achieve use and shall avoid impacts to the maximum extent practicable**





# **Biologically Superior**

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- **Deviation may be requested to implement a superior biological result- provides a net increase in quality and viability**
- **Impacted resources shall be demonstrated to be of low biological quality**



# **Biology Guidelines - General**

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- **Minor revisions and reorganization of information**
- **Provides direction for impact analysis for each of the options, including survey protocols**
- **Establishes (consistent with draft LDC language) the three development types that may apply for deviation**



# **September 13 City Council**

- **City Council declined to take action at the adoption hearing**
- **Directed staff to return to LU&H after meeting with environmental groups to discuss remaining outstanding issues**



# Meeting Results

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- Meeting held on November 7, 2011
- Environmental Groups prepared letter identifying outstanding issues and suggested revisions (Attachment 1)
- Meeting attendees : DSD, PUD, City Attorney, Wildlife Agencies, San Diego Coastkeeper, Audobon Society, San Diego Canyonlands, Save Wild Santee, and Development Community





# Essential Public Projects

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- **Permanent vs. Temporary Impacts added as criteria for inclusion on the list**
- **Potential for additions to the Essential Public Projects List**



# **Economic Viability Option**

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- **Elimination of this option (including existing)**
- **If retained, addition of proposed language to amendment:**
  - **“reveals all calculations and variable assumptions contained therein”**



# **Biologically Superior Option**

- **Revisions to address assessment methodology and hydrologic function potential**
  - **Requirement to use California Rapid Assessment Method (CRAM) for quality assessment**
  - **Additional water quality mitigation**



# Conclusion

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- **Staff has incorporated a number of the revisions suggested by the Environmental Groups**
- **Proposed amendments result in a high level of wetland protection achieved through a predictable and fair process.**





# Recommendation

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- **Respectfully request that the Land Use Housing Committee forward the revised draft to the full City Council for review and consideration**



# **Amendments to the Land Development Code ESL Regulations – Wetland Deviations**

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